

AMENDED IN SENATE APRIL 20, 2005

SENATE BILL

No. 470

Introduced by Senator Ducheny

February 18, 2005

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An act to amend Sections 69, 69.3, 170, 172, 172.1, and 194 repeal Sections 38203.5 and 38907 of the Revenue and Taxation Code, relating to taxation.

LEGISLATIVE COUNSEL'S DIGEST

SB 470, as amended, Ducheny. ~~Property tax relief: state emergencies.~~ *Property taxation: timber yield tax.*

*The Timber Yield Tax Law, for the 1977-78 fiscal year and each fiscal year thereafter, imposes a tax on every timber owner with respect to the harvesting of timber or felled or downed timber at specified rates. The Timber Yield Tax Law disallows, subject to certain exceptions, any adjustment of yield tax rates for the years 1979, 1980, or 1981 to reflect any portion of the property tax rate levied on the unsecured roll for the 1978-79 tax year, as provided, and requires that the Controller certify for a specified period the amount necessary to restore the deficient allocations, plus the amount necessary to bring the Timber Tax Reserve Fund to \$5,000,000. The specific provisions of that law providing for the restoration of any deficient allocations for the Timber Tax Reserve Fund however, were previously repealed.*

*This bill would delete these obsolete provisions relating to the adjustment of yield tax rates for 1979, 1980, and 1981, and the certification by the Controller of the amount necessary to restore certain deficient allocations.*

~~Existing law authorizes the Governor to proclaim a state of emergency in specified circumstances. The California Constitution~~

~~and existing law authorize various forms of relief regarding the payment of property taxes, or taxes that are imposed in lieu of property taxes, on property that is damaged in a disaster, as declared by the Governor. Under existing law, these forms of relief include authorizing a taxpayer to defer the payment of property taxes on this property and authorizing a taxpayer to transfer the base year value, as defined, of this property to a replacement property.~~

~~This bill would recast these disaster-relief provisions by clarifying that a Governor-declared disaster means a state of emergency proclaimed by the Governor.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 38203.5 of the Revenue and Taxation~~  
2     ~~Code is repealed.~~

3     ~~38203.5. No adjustment of yield tax rates certified for the~~  
4     ~~years 1979, 1980, or 1981 shall be made to reflect any portion of~~  
5     ~~the property tax rate levied on the unsecured roll for the 1978-79~~  
6     ~~tax year, less the rate for voter-approved debt, which is in excess~~  
7     ~~of four dollars (\$4) per one hundred dollars (\$100) of assessed~~  
8     ~~value. The yield tax rate for 1982, however, shall be calculated as~~  
9     ~~if the yield tax rates for those years had been adjusted to reflect~~  
10    ~~the excess property tax rates.~~

11    ~~SEC. 2. Section 38907 of the Revenue and Taxation Code is~~  
12    ~~repealed.~~

13    ~~38907. On or before December 2, 1978, and each December~~  
14    ~~1 each year thereafter to and including December 1, 1981, the~~  
15    ~~Controller shall certify to the State Board of Equalization the~~  
16    ~~amount necessary to restore any deficient allocations as provided~~  
17    ~~for in subdivision (c) of Section 38905, plus the amount needed~~  
18    ~~to bring the current balance of the Timber Tax Reserve Fund up~~  
19    ~~to five million dollars (\$5,000,000).~~

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**All matter omitted in this version of the bill  
appears in the bill as introduced in Senate,  
February 18, 2005. (JR11)**

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